THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.4809 of 2006

Between:

Namburi Srinivasa Rao and others … Petitioners

And

The District Collector, Visakhapatnam

And 2 others.

…Respondents

ORDER:

Petitioners seek writ of mandamus directing the respondents to issue withdrawal proceedings on the ground that the said lands are not required for the Andhra Pradesh Industrial Infrastructure Corporation Limited and also acquisition proceedings were lapsed since no award is passed though the notification was issued more than three years ago.

Petitioners are the absolute owners and possessors of the lands in

Sy.Nos.215, 217, 218, 222, 223 and 225 situated at Pedagantyada Village and Mandal, Visakhapatnam District and the petitioners are intending to sell away the said lands by obtaining lay out from the competent authority. While so, the respondent authorities wanted to acquire the said lands for establishment of integration of Gangavaram Port as a component of A.P.Special Economic Zone Project and accordingly 4(1) notification was issued in From 2-A in the month of October, 2002, which was published in various newspapers in the year 2003. The case of the petitioners is that though more than two years had elapsed, no enquiry or no award was passed in respect of the said lands. It is stated that the said lands are not required for the said purpose and therefore proposals are sent for withdrawing the proceedings.

Heard the learned counsel for the petitioners and the learned Government Pleader on behalf of the respondents.

The learned Government Pleader for Land Acquisition on behalf of the respondents submits that steps have been taken to drop the land acquisition on the ground that there is no budgetary provision to meet the expenditure on the acquisition of the said lands for Free Trade Zone near Gangavaram Port and that TR&B Department have conveyed that the Chairman and Managing Director, Gangavaram Port is also not interested in acquisition of the said lands and the issue has been examined by APIIC and it is also felt that acquiring land for Free Trade Zone is not considered economical due to the gestation involved and the requisition filed by APIIC for acquisition of 216.15 acres of patta land and alienation of 13.17 acres of Government land at Dibbapalem H/o.Pedagantyada Village adjacent to Gangavaram Port as a component of A.P.Special Economic Zone may be treated as withdrawn. Accordingly the withdrawal notification proposals under Section 48(1) of the Land Acquisition Act were submitted to the Government through the Chief Commissioner, Land Administration, Andhra Pradesh, Hyderabad vide letter dated 22.1.2005 for approval and the Special Chief Secretary and CCLA has also recommended vide his letter dated 26.7.2005 to the

Secretary to the Government, Industries and Commerce (INF) Department for withdrawal of the lands from the acquisition and orders are awaited from the Government.

In view of the aforesaid facts and circumstances of the case, No orders are necessary in this writ petition. The writ petition is accordingly closed. No order as to costs.

_____

(V.ESWARAIAH, J.)

13.3.2006

kpr